

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
	:	
v.	:	
	:	Criminal Action No.
LYNDON WILLIAMS,	:	7:96-cr-41 (HL)
	:	
Defendant.	:	
	:	
	:	
	:	

ORDER

The United States Court of Appeals for the Eleventh Circuit on May 26, 2005 issued an Order of Limited Remand requiring the Court to treat Defendant Williams untimely-filed June 25, 2005 Notice of Appeal as a Motion for Extension of Time to Appeal and to determine whether Defendant Williams could establish excusable neglect or good cause required under Federal Rule of Appellate Procedure 4(b)(4) to extend the time in which to file an appeal.

Defendant Williams filed a Motion to Modify Term of Imprisonment under Title 18 United States Code, Section 3582(c)(2) on April 25, 2005. The Court denied Defendant Williams's Motion on May 12, 2005. As Defendant Williams was pro se at the time, the clerk mailed a copy of the Court's May 12, 2005 Order the same day. On May 23, 2005 Defendant Williams's mail was returned and the clerk mailed a copy of the Court's May 12, 2005 Order to Defendant Williams's current address. Thereafter, Defendant filed a Motion to Reconsider

which was denied by the Court on June 21, 2005. A copy of the Court's June 21, 2005 Order was also mailed to Defendant Williams the next day. Defendant Williams then filed a Notice of Appeal eight days later.

Considering the difficulties experienced by the clerk in serving Defendant Williams with a copy of the Court's May 12, 2005 Order, Defendant Williams's then pro se status, Defendant Williams's timely filed Motion to Reconsider, and the fact that Defendant Williams filed his Notice of Appeal within ten days of the Court's June 21, 2005 Order, the Court finds that Defendant Williams's failure to file a timely Notice of Appeal was a result of excusable negligence. Accordingly, Defendant Williams's June 25, 2005 Motion for Extension of Time is granted.

SO ORDERED, this the 5th day of June, 2006.

/s/ Hugh Lawson
HUGH LAWSON, Judge

scs